

Notice of Allowability

Application No.

10/044,158

Examiner

Patricia Leith

Applicant(s)

JENSEN ET AL.

Art Unit

1654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 2/17/04.
2. ☒ The allowed claim(s) is/are 10,11,13, 14,16 and 18-20.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date 0404.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 0404.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

Claims 1-17 are pending in the application.

Figures 3 and 4 remain objected to for containing new matter as indicated in the previous Office Action. Therefore, in order to overcome this objection, Applicant is asked to resubmit Figures 1 and 2 on separate sheets. Figures 3 and 4 will not be formally entered into the case. Further, Figures 1 and 2 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Attorney Michael Kreiger on April 28, 2004.

IN THE SPECIFICATION:

Line 9, after 'Figure 2.....binary mixture' delete ';' and replace with --.--.

Delete lines 10 and 11 which refer to non-entered Figures 3 and 4.

Page 13, line 21, delete the entire sentence which reads 'See Figure 3.'.

Page 15, line 21, delete the entire sentence which reads 'See Figure 4.'.

IN THE CLAIMS:

Cancel claims 1-9, 12, 15 and 17.

Add the following claims:

--Claim 18. A method for freeze concentrating *Morinda citrifolia* comprising the steps of:

freezing, at a first temperature, a *Morinda citrifolia* slurry to effectuate a separation of pure water as ice crystals from said *Morinda citrifolia* slurry;
extracting said ice crystals from *Morinda citrifolia* slurry by sifting;

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freezing, at a second temperature, the remaining non-aqueous constituents of said *Morinda citrifolia* slurry, wherein said second temperature is less than said first temperature; and

recovering, from said remaining non-aqueous constituents of said *Morinda citrifolia* slurry, frozen, non-aqueous constituents wherein said recovered frozen, non-aqueous constituents frozen at said second temperature is concentrated *Morinda citrifolia*.--.

--Claim 19. The method of claim 18, wherein said *Morinda citrifolia* slurry comprises chemical constituents, and wherein performing said method allows the concentrated *Morinda citrifolia* to retain almost all of said chemical constituents.--.

--Claim 20. A *Morinda citrifolia* concentrate obtained by the process of claim 18.--.

Amend the following claims:

Claim 13, line 1, replace 'claim 12' with -- claim 18 -- and replace 'removed' with -- recovered --.

Claims 10-11 and 14-16, replace 'claim 9' with -- claim 18 --.

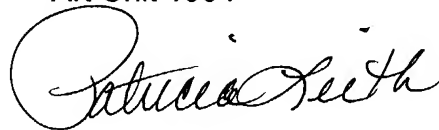
Claims 10-11, 13, 14, 16 and 18-20 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia Leith whose telephone number is (571) 272-0968. The examiner can normally be reached on 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brenda Brumback can be reached on (571) 272-0968. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patricia Leith
Primary Examiner
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04/26/04